

REMARKS

Status of Claims

Claims 8-16 are pending in this application, the independent claims being claims 8, 14 and 16. Claims 14 and 15 have been withdrawn from consideration in the present application pursuant to a Restriction Requirement. By this Amendment, claims 8-13, 16 and 17 are amended, and claims 17 and 18 are newly presented. Claims 1-7 previously were canceled.

Summary of Official Action

In the Official Action, claims 8-13, 16 and 17 were rejected under 35 U.S.C. §103(a), as unpatentable over U.S. Patent No. 5,827,592 (Van Gulik).

Reconsideration and withdrawal of the rejection respectfully are requested in view of the above amendments and the following remarks.

Summary of Examiner Interview

Applicants' attorney gratefully acknowledges the courtesies extended to him by Examiner Thomas in granting a telephone interview on May 3, 2006. In that interview, Applicants' attorney discussed various novel aspects of the claimed invention, motivation for the claimed invention, and advantages of the claimed invention. In particular, Applicants attorney discussed advantages of the claimed invention relating to application of an impregnate to substantially only the side elevations of each parquet strip (of a plurality of parquet strips laminated on a prefab parquet element); specifically, Applicants' attorney noted the inventors had discovered that with respect to real (natural) wood parquet strips of a laminated prefab parquet element, this features provides a significant improvement over the prior art because (1) it reduces the amount of impregnate required, thereby reducing material costs, without reducing the efficacy of the impregnate in preventing moisture penetration into real wood via annual rings of the wood, (2) it simplifies the manufacturing process, thereby

reducing manufacturing costs, and (3) it produces a top surface of the parquet element that is substantially free of impregnate, and is thereby adapted to better receive a lacquer finish - this provides improved bonding of the lacquer and resultant better wear and water resistant characteristics.

Applicants' attorney also discussed the teaching of the Van Gulik '592 patent, and distinguished the claims over the structure taught in that patent. In particular, it was agreed that the Van Gulik '592 patent does not teach a prefab parquet element structure including real (natural) wood strips laminated on a substrate. Examiner Thomas stated that he had not considered the effect of applying an impregnate only to the side edges of a real (natural) wood strip because that feature was not previously presented in the claims.

Applicants' attorney further discussed various proposed amendments to the claims to clarify the language and clearly distinguish the claimed invention over the cited art. In particular, Applicants' attorney discussed proposed amendments relating to the features of real wood parquet strips and a laminated prefab parquet element including such real wood parquet strips.

Claim Amendments

The rejection of the claims over the cited art respectfully is traversed. Nevertheless, without conceding the propriety of the rejection, claims 8-13, 16 and 17 have been amended herein, more clearly to recite various novel features of the claimed invention, with particular attention to the Examiner's comments in the Official Action and the telephone interview. Newly presented claims 17 and 18 have been added to provide Applicants with additional scope of protection commensurate with the disclosure. No new matter has been entered.

Prior Art Distinguished

Applicants submit that the prior art fails to anticipate the present invention.

Moreover, Applicants submit that there are differences between the subject matter sought to be patented and the prior art, such that the subject matter taken as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made.

The Van Gulik '592 patent relates to a floor element, and discloses a prefab wood fibre floor element having tongue and groove surfaces on side elevations thereof. However, Applicants submit that the Van Gulik '592 patent fails to disclose or suggest at least the above-described features of the claimed invention. Rather, the Van Gulik '592 patent describes a prefab wood fibre floor element including a lacquer finish. The Gulik '592 patent teaches that the floor element, including the tongue and groove side elevations, may include a lacquer coating, where the lacquer coating on the tongue and groove portions minimizes the sensitivity to the action of moisture after joining together of the floor elements to form a floor on a substrate/base. The Gulik '592 patent teaches that the prefab floor element may be (1) a unitary piece of fibre board with tongue and groove elevations formed or machined into the side elevations, or (2) a laminated structure of multiple fibre board sheets, where the sheets are offset relative to one another to form the tongue and groove structure in the side elevations. (column 2, lines 20-39). Nowhere does the Gulik '592 patent disclose or suggest a parquet floor element including a support layer and a plurality of real (natural) wood parquet strips applied to the support layer, where the *support layer* includes tongue and groove structure on side elevations thereof, where each of the plurality of *real wood parquet strips* has long and short sides, and where each real wood parquet strip has an impregnate applied to at least a portion of the side elevations of the narrow sides of the parquet strip, as disclosed in the present application and recited in independent claims 8 and 16. Nor does the Van Gulik

'592 patent disclose or suggest the motivation or advantages achieved by the claimed invention, including application of the impregnate by a rolling or spreading on application.

As discussed in Applicants' prior Amendment, application of impregnant to only the narrow sides of each parquet strip has provided unexpected good results in that applying the impregnation to the narrow sides alone appears sufficient for satisfying the object of the claimed invention, i.e., to improve resistance to penetration of moisture in the parquet strip and parquet element as a whole. Applicants understand this improvement to be the result of the phenomenon that moisture enters the parquet strips in the region of annual rings from the narrow sides easier than from the long sides of the parquet strip, so that an impregnation of the narrow sides alone is sufficient, and is more efficient.

The problem with penetration of moisture into cross joints between parquet elements is much different than that of penetration of moisture into cross joints between parquet strips. Due to the tongue and groove joints between the parquet elements, the distance between parquet elements in a finished floor can vary and can be considerable depending on the base surface of the room on which the parquet element is disposed. In contrast thereto, the distance between the parquet strips on a parquet element is small and predetermined during manufacturing of the parquet element, i.e., in the manufacturing plant. Therefore, one skilled in the art would view these features as relating to two different problems, the solution to one of which would not obviate the other.

Finally, the materials of prefab parquet elements and parquet strips themselves are different. While the parquet strips are required to have a durable wear surface, the middle (support) layer of the parquet element merely is required to guarantee a satisfying coupling of the parquet elements. Therefore, different materials are used for parquet strips and support

layer of the parquet elements, and the impregnation method for the parquet elements cannot be simply modified without difficulties to apply to the parquet strips.

For at least these reasons, Applicants submit the prior art fails to provide the required legal motivation to modify the teaching of cited art to achieve the claimed invention.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 8-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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EPW:CPW

Attachment:

Copy of drawing faxed to Examiner Thomas for May 3 Interview

Date: May 8, 2006

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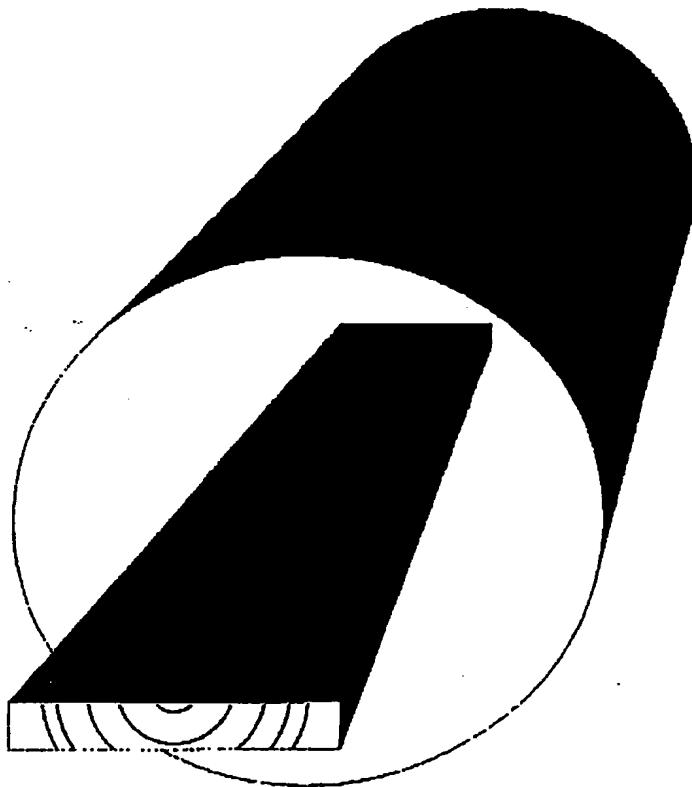
<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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APPL. NO. 10/030,636

FOR INTERVIEW / MAY 3, 2006

The specific feature of the narrow sides of the parquet strips is that on these sides the annual rings of the tree are cut as shown below:



As already described in our letter the inventors have found out that applying the impregnation to the narrow sides of the parquet strips is sufficient for a satisfying solution of the present invention. Such a solution is not disclosed in document D1 in which a wood fibre board does not have annual rings on one specific side.